

REMARKS

In a restriction requirement dated January 25, 2005, the Examiner required restriction under 35 U.S.C. § 121 between Group I (claims 1-13), Group II (claims 14-26), and Group III (claims 27-35). The Examiner further required that if Group II was elected, then an additional species restriction between Group II-1 (claims 14-17) and Group II-2 (claims 18-26) would apply. Similarly, the Examiner required that if Group III was elected, then an additional species restriction between Group III-1 (claims 27-34) and Group III-2 (claim 35) would apply.

As a preliminary matter, Applicants have noted that the Examiner has not addressed all of the claims pending in the current application. Particularly, the Examiner did not address claims 36-42 that were newly added by the Preliminary Amendment submitted on November 5, 2004. Because claims 36-42 are directed to a battery, like claims 27-35 of Group III, Applicants will assume for purposes of responding to the restriction requirement that claims 36-42 should have been included in Group III.

By this Response, Applicants have canceled claims 1-26 and 35 without prejudice or disclaimer of the subject matter thereof. Applicants have also added new claims 43-52. Currently, claims 27-34 and 36-52 remain pending in this application.

In response to the restriction requirement, Applicants provisionally elect to prosecute Group III, which the Examiner has identified as being drawn to a battery comprising a carbon foam current collector. With the election of Group III, Applicants also elect species III-1, which the Examiner has identified as a battery comprising a carbon foam current collector including a network of pores and a chemically active material penetrating the network of pores. Each of the pending claims 27-34 and 36-52

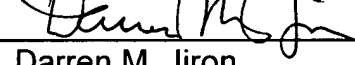
includes, among other things, a carbon foam current collector including a network of pores and a chemically active material disposed on the carbon foam current collector such that the chemically active paste penetrates the network of pores. Accordingly, in view of the Examiner's classification, all of claims 27-34 and 36-52 fall within the elected Group III, species III-1 and, therefore, should be examined together. Non-elected claims 1-26 and 35 have been canceled from the application.

Applicants respectfully request early and favorable examination of elected claims 27-34 and 36-52. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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